

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

vs.

: NO. CR-2-07-045
JUDGE GRAHAM

PETROCHELLI ROBERTSON

GOVERNMENT'S SENTENCING MEMORANDUM

The United States submits that the probation officer has correctly calculated the advisory guideline sentencing range in the defendant's case. There are no objections to the Presentence Investigation Report. The advisory guideline range for the defendant is 97-121 months based on an offense level 29 and a criminal history category II.

In United States v. Williams, 436 F.3d 706, 708 (6th Cir. 2006)), cert. xxxxxx, ___ S. Ct. ___ (No. 06-5275), the Sixth Circuit stated: "We now join several sister circuits in crediting sentences properly calculated under the Guidelines with a rebuttable presumption of reasonableness." Therefore, the United States submits that a sentence within the advisory guideline range would be reasonable under the rationale of United States v. Booker, 543 U.S. 220 (2005) and United States v. Williams.

The defendant was debriefed, but his cooperation did not, as yet, rise to the level of substantial assistance. The defendant would certainly be eligible for a Rule 35 Motion for Reduction of Sentence should the information he provided, once verified by law

enforcement, qualify as providing substantial assistance.
However, the government would not object to a sentence at the
lowest level of the guideline range: 97 months imprisonment.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney

s/Marcia J. Harris
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Sentencing
Memorandum was served this 13th day of July, 2007, electronically
on: Tracy Younkin and Myron Schwartz Attorneys for Defendant
Petrochelli Robertson.

s/Marcia J. Harris
MARCIA J. HARRIS (0031632)
Assistant United States Attorney